

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OLIVER UDEMBA,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO: 05 CV 11161 RGS
	)	
CUMBERLAND FARMS, INC.	)	
AND EMILE C. TAYEH,	)	
	)	
Defendant.	)	

**MOTION OF DEFENDANT CUMBERLAND FARMS, INC. FOR AN  
AWARD OF ATTORNEYS' FEES AND COSTS, AND TO AMEND THE  
JUDGMENT TO INCLUDE AWARDS OF ATTORNEYS' FEES AND COSTS.**

Pursuant to Fed.R.Civ.P. 54(d) and 59(e), and LR 7.1, and for the reasons set forth in the accompanying Memorandum of Law, Defendant Cumberland Farms, Inc. ("the Company" or "CFI") moves for an award of attorneys' fees and costs against the Plaintiff, Oliver Udemba ("Udemba"), and moves that the Judgment which issued on July 5, 2006, be amended (a) to order Udemba to pay the Company \$2,470.69, based upon the Court's orders of March 1, 2006 and March 31, 2006, and (b) to order Udemba to pay the Company the sum of \$111,843.58, to reimburse the Company for the additional costs and attorneys' fees it incurred in defending this lawsuit.

DATED at Portland, Maine this 6th day of July, 2006.

CUMBERLAND FARMS, INC.

By its attorneys,

MOON, MOSS & SHAPIRO, P.A.  
Ten Free Street, P. O. Box 7250  
Portland, ME 04112-7250  
(207) 775-6001

/s/ Philip J. Moss

Philip J. Moss

**CERTIFICATE OF SERVICE**

I, Philip J. Moss, attorney for Cumberland Farms, Inc., hereby certify that a paper copy of the Motion of Defendant Cumberland Farms, Inc. for an Award of Attorneys' Fees and Costs, and to Amend the Judgment to Include Awards of Attorneys' Fees and Costs, electronically filed with the Clerk of Court using the ECF system, will be sent this date by first-class U.S. mail, postage prepaid to the following:

Aderonke O. Lipede, Esq.  
434 Massachusetts Avenue, Suite 401  
Boston, MA 02118  
(BBO # 567431)

Dated: July 6, 2006

/s/ Philip J. Moss  
Philip J. Moss, Esq., BBO# 358020  
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